

COMMISSIONERS APPROVAL

GRANDSTAFF

ROKOSCH *gkr*

THOMPSON

CHILCOTT *gc*

DRISCOLL *kd*

PLETTENBERG (Clerk & Recorder)

Members Present.....Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, Commissioner Greg Chilcott and Commissioner Kathleen Driscoll.

Date.....January 14, 2008

Minutes: Beth Perkins

► The Board met with Administrative Director Skip Rosenthal for Flex Plan approval. Skip gave a review of the plan selected by the Board with the health insurance choice of Blue Cross Blue Shield. He stated the signatures of the Commissioners is ministerial due to the previous discussion of insurance and flex plan administration.

Commissioner Thompson made a motion for the Board's Chairman to sign the documents necessary to execute the County's Flex Plan. Commissioner Chilcott seconded the motion, all voted 'aye'.

► The Board met for a Dispatch Union Negotiation update and strike plan. Present was Administrative Director Skip Rosenthal.

Commissioner Grandstaff stated in the last Dispatch Union Negotiation there were issues discussed however nothing came from that discussion. The Dispatchers want the same thing as the Detention Officers (i.e., after years 3 and 5 years, they receive a significant raise with longevity. The Dispatchers are talking about a strike if they did not receive what they requested. Commissioner Grandstaff also stated Joanna Hamilton had told her the dispatchers had talked about striking for awhile. Commissioner Grandstaff stated Joanna provided a list of people who could fill in for dispatch should they strike. She further stated Skip has drafted some numbers to reflect their requests.

Skip stated they are requesting a 13% increase after 3 years aka step-and-grade increase. He discussed the meeting and stated they had parted in good faith with a tentative agreement. Commissioner Thompson stated in the past with the Detention Officers, if

they stayed for a period of time, they got a 'bump' in pay plus longevity. Commissioner Grandstaff stated it is a concern for her because this does not include all county employees. Commissioner Chilcott stated a typical county employee works Monday through Friday 8 to 5. These officers work 24-7. There should be an additional benefit for those employees. Skip stated they will meet again with the union negotiator.

Commissioner Jim Rokosch joined the meeting at this point.

Commissioner Grandstaff stated there is a possibility of a strike and the Commissioners should be prepared for one. She provided a list of names of possible stand-ins. Commissioner Chilcott stated Marcus Daly EMS should be included on the list as well as other EMS municipalities such as Stevensville, Darby and Corvallis.

Commissioner Thompson stated the union has a down side to this where they could be replaced if they can't come to an agreement. The County has some good folks working there now and they need to keep good employees. Commissioner Grandstaff stated employees who strike have to re-apply for their jobs when the strike is over. She asked if those employees would lose their longevity and have to serve the probationary period again. Board discussion followed regarding having the employees starting over again serving another probationary period.

Skip stated since they had an agreement, they would have to go back to the drawing board again with the negotiator to draft a new one. With the deputy contract, it has not been voted on it yet. Commissioner Chilcott recommended a meeting with the mayors of the municipalities for any potential problems they might be facing. Commissioner Grandstaff asked if they should wait until after meeting with the negotiator to schedule a meeting with the municipalities. Commissioner Chilcott replied no, in this case, he believes the sooner the better.

Commissioner Chilcott stated there is a need to address the possibility of a strike. Commissioner Grandstaff stated they should not only talk to the municipalities but all agencies of dispatch. Commissioner Chilcott suggested the reserve officers be contacted.

Skip stated they should have the meeting to verify where they stand prior to negotiations. **After Board discussion, it was determined Skip will draft a letter of notification and contact Jeff Minkler prior to further negotiations.** Commissioner Driscoll urged to use caution when drafting this letter and not "fuel the fire" for the employees. Commissioner Chilcott replied the Board has to plan and be prepared for a strike. Commissioner Thompson stated it would be nice to have an emergency plan for replacement dispatch workers should not only a strike happen but a disaster.

► The Board met with Sheriff Chris Hoffman regarding employee action forms and for a general update. Present was Administrative Assistant Wanda Lorea.

Sheriff Hoffman gave a review of the employee action forms submitted for Board approval.

Commissioner Rokosch asked if the action forms were to be retroactive to July 1st. Sheriff Hoffman replied yes. He stated this money has been included in his budget under the salary line. Commissioner Grandstaff asked how many employees. Sheriff Hoffman replied ten employees. He stated these employees are not represented by a bargaining unit and gave some background on the job duties. He stated there is a significant work load and high expectations of these employees. It is very important to attract and maintain quality employees. He gave an example of one employee who has made herself indispensable to the department.

Commissioner Grandstaff questioned the salary budget for the Sheriff's Office. Wanda replied according to the report, they are currently at 40% of their budget for the fiscal year. Commissioner Grandstaff disagreed. She stated there was a report run by the accounting department and it is at 48%. She asked how much will the percentage increase with the raises. Sheriff Hoffman replied he has not seen this report and the raises would not be any more than the 2% which would leave them at the 50% mark. Board discussion followed regarding the percentage rate for the fiscal year.

Sheriff Hoffman requested an opportunity to review the numbers himself. Commissioner Grandstaff asked if the increases were budgeted prior to request for approval. Wanda replied yes it was and it would also increase by .58% (rounded to 1%) which would not affect the budget line that much. Sheriff Hoffman stated they do budget for yearly increases anticipated and they do not cut the salary line. Wanda gave the salary increases and contribution totals to the Board for clarification.

Commissioner Grandstaff asked why they are now hearing about the employee action forms if they had been included in the budget. Sheriff Hoffman replied they were brought up during the initial budget hearings and now again since the budget for the Sheriff's Office has been questioned. Board discussion followed regarding budget line items and the percentage of the requested increases.

Commissioner Chilcott stated it is the Board's responsibility to investigate the budget and all requests. He is ensuring the numbers prior to approval so they do not go over budget. Commissioner Driscoll stated she believes the numbers are close but allow for the increases. Wanda stated they do have some grant funds that will increase the revenue line. Commissioner Chilcott stated his concern is at the end of the year they are not over budget. They are currently adjusting the coroner line item because it is over budget and the Board does not have the adjustments in the budget.

Wanda stated in the past, she has done the budgeting for the salaries and they have been right on the budgeted amount. Commissioner Chilcott stated he does not doubt Wanda's ability but right now "the well is at a mud level". There is no more money for additional expenditures. Sheriff Hoffman replied it is hard to understand what the projected raises might be in order to budget for those line items. The Board will not know either until they bring them up for discussion. He stated this is the only resource they have to carry out the duties.

Commissioner Chilcott stated they are the “bad” guys when they do not approve funding. He stated the tax payers expect a level of service with their tax dollar and he does not want to see that affected by the decrease in the operational line item. Sheriff Hoffman replied he has never referred to Commissioner Chilcott as a “bad” guy. He sees it as two separate pots of money. If you do not pay for the level of service, it will decrease. He stated he is aware of the need for salary increases and the Sheriff’s Office is behind with meeting those needs. Further discussion followed regarding the reasoning behind the requests.

Commissioner Grandstaff stated for clarification, with the administrative line at 48%, if these raises had already been given, they would be at the 50% mark. Wanda replied yes, that is correct. Wanda discussed the line item for Detention. Commissioner Rokosch stated in one sense the money has been accounted for in the budget and in the other sense, it is requesting an increase. He thinks part of the confusion is where elected officials are handled differently. He is still questioning the operational line item. Sheriff Hoffman replied he supposes it is a different conversation. He stated he does not come here yearly with a budget proposal as a “wish list” for demands. He requests what is necessary. He discussed the revenues and the budget cuts he made for fiscal year 2007-2008.

Sheriff Hoffman stated everything is recorded such as mileage; calls received and responded to, gas used, etc. The problems are the ground covered, the number of units and the response time available. Commissioner Grandstaff stated there will be some subdivision contributions to mitigate some of those issues.

Sheriff Hoffman stated the only thing they can do is re-run the numbers for the employee action forms. Commissioner Rokosch stated he does not believe anything will change with re-running the numbers.

Commissioner Rokosch requested a meeting after consulting with Internal Auditor Klarryse Murphy regarding the operational line.

It was the Board’s consensus to sign the employee action forms after investigating the operational line item.

► The Board met with IT Director Joe Frohlich to discuss the electrical contractor/generator project.

Joe gave an update for the need of an electrical contractor. He stated they need to have an electrician for the generator and to consult with Johnson Controls. The electrician would have to work with them for the area required for the chillers and the generator. There is a need for a collaboration of where it’s put and where the conduit will be hooked up. Joe recommended hiring an electrician to install the generator and work with Johnson Controls regarding the chillers. It would be for this project only and not a long term contract. He did not do an RFQ because the project is under the required amount. He

presented the Board with two electricians who submitted qualifications and estimates. Joe stated they have budgeted for the project.

Commissioner Chilcott stated Johnson Controls has a contractual obligation and they need to be brought into this issue. Commissioner Grandstaff agrees Johnson Controls should be brought into the project. She suggested including Skip Rosenthal as well since he is involved with Johnson Controls. Joe will consult with Skip and see what he recommends. Board discussion followed regarding cost.

Joe recommended having an electrician review the suggestions made by Johnson Controls. He gave two examples of where consulting an electrician has saved the county money. Commissioner Grandstaff agreed with Joe. She believes it is a good idea. Commissioner Chilcott concurred with Commissioner Grandstaff.

Commissioner Grandstaff suggested Joe speak with Johnson Controls, Skip and Civil Counsel Alex Beal. Joe stated he will and then report back to the Board.

► Commissioner Chilcott attended a JPA meeting in Bozeman for the remainder of the day.

► The Board met for a discussion with DEQ regarding subdivision review (Sanitation Act) and water availability analysis with Environmental Health Director Lea Jordan. Present were Sanitarian Morgan Farrell, Steven Kilbreath, Eric Regensburger, and Greg Wermers from DEQ, Planner Tristan Riddell, and Planner Randy Fifrick were also present.

Lea gave a brief update. She has invited members from the public water and subdivisions bureau in DEQ to give a question and answer session. She then introduced Steve Kilbreath from the Permitting and Compliance division of the Public Water and Subdivisions Bureau of the DEQ, Eric Regensburger Senior Hydrogeologist at DEQ and Greg Wermers Environmental Science Specialist at DEQ.

Steve gave an overview of what he does in the DEQ. He reviews over 1,000 subdivisions per year. He discussed storm water and how it requires a high level of overview.

Eric stated they look at three things: quality, quantity, and availability. They are looking at revamping the rules for reviewing subdivisions. He discussed running tests to ensure the aquifer is ample.

Greg stated he is from the Missoula DEQ office and he works with Morgan regarding storm water issues.

Commissioner Grandstaff asked what is the extent of DEQ involvement in the subdivision review process with the County Sanitation Office. Steve replied the Sanitation Office is the first line of contact. They are the first person on the site. Morgan stated 99% of the time he is the first sanitarian on site. He locates the septic and well and

simple storm water drainages. He is there to ensure everything the consultant reports is true. Commissioner Grandstaff asked when it comes to final DEQ approval, does DEQ require additional tasks not completed by the Sanitation Office. Steve replied usually no but in some cases not much more. Commissioner Grandstaff asked if it is adequate. Steve replied he would like to see more training. Greg stated the Sanitarian Office is the first line of defense. Commissioner Grandstaff asked if there are cases where they were not given final approval. Steve replied yes, there are some cases where final approval has been denied.

Commissioner Rokosch asked in regards to septic permitting, what standards being reviewed are statewide standards. Steve replied they utilize the Administrative Rules. Commissioner Rokosch asked in what respect do the standards look at cumulative impacts. Most of the major streams in the county are classified as impaired but are continually adding the same things that impaired them in the first place. He discussed the TMDL process and how they seem counter to each other. Eric replied for the cumulative impacts, they look at the ground water. The background nitrate samples should account for the newer additives. Commissioner Rokosch asked if they are talking about drinking water. Eric replied yes and they also look at phosphorus levels. For surface water, the analysis is based on the subdivision review and cumulative impacts are looked at by the TMDL process.

Bonnie Lovelace stated she can clarify the TMDL and the water quality act. Septic systems within the water quality act are exempt. They do not have anything to address those standards. They apply the TMDL work and the final numbers to the permit. The TMDL process moves through the ground water. Commissioner Rokosch stated it puts a finger on the problem. The cumulative impacts will be ignored by the use of individual wells and septic. Bonnie stated non-degradation systems are increasing the discharge especially if it is already impaired. She discussed the importance of the tight numbers for the treatment ability. Steve stated their director is committed to working with the town for the criteria with ongoing dialogue on subdivisions with wastewater issues. Commissioner Rokosch stated it is very frustrating to continue to see the same scenario over and over again with water resource issues and have no authority to do anything beyond the subdivision laws. It is falling through the cracks. They are going to see major subdivisions coming before the Board in the size of towns. He can't protect public health and resources of our residents with the current laws and regulations.

Commissioner Driscoll asked is there something they could advocate to make a viable difference for the citizens in the legislature. Steve replied to have the Board attend the next two meetings discussing pieces of legislation through the planning act.

Commissioner Grandstaff asked what the 303D list is. Commissioner Rokosch replied it is a list of surface waters. He stated it would be interesting to see how much additional nitrates and phosphorus been added since the original listing. Commissioner Grandstaff asked how the TMDL compares to the 303D list. Eric replied the 303D list is part of the TMDL. Commissioner Grandstaff asked what happens when they do get a final list. Bonnie stated it is a study in the watershed that can be broken up. They will try to assign

a source to the impediments. By identifying the source, it becomes the point source. Commissioner Grandstaff asked what is the difference of a point source and a non-point source. Bonnie replied point source is the main source of the pollutant such as a pipe. A non-point source example is cattle being in the stream. Bonnie gave other examples. She stated the idea is to define the amount of impediments.

Commissioner Rokosch stated it seems like there is potential for the Board to address some of the non-point loading accruing with subdivisions. He stated they are looking at more restrictive measures than the standard regulations. Bonnie replied the 521 analysis states you need a finding of why before you could implement those regulations for law. Steve stated the meeting tomorrow will address some of those findings. Commissioner Driscoll asked is anything addressing diluting oils and pharmaceuticals. Eric replied there are no standards currently. Without enforceable standards it is hard to regulate the septic or if TMDL becomes mandatory.

Commissioner Driscoll stated there was a reference made from a supreme court decision that could not be upheld in a subdivision review due to it not being an actual law. Eric stated she is confusing water rights with water quality. Morgan stated the DEQ report has not been completed for the subdivision she is discussing. Steve stated they cannot take a final action on a subdivision until preliminary plat is approved. If there was a problem, they would request additional testing. Commissioner Rokosch asked what would trigger the MEPA (Montana Environmental Policy Act). Steve replied they have done one EIS. Steve added within MCA, it limits them to 120 days if an EIS is required. There is a clause in MEPA where they cannot deny or approve a subdivision.

Civil Counsel Alex Beal stated DEQ approval has to happen after preliminary plat approval and they have to take public comment for consideration. The MEPA process has to happen after the Board of County Commissioners has made a decision. That presents the issue of the Board not being able to take action after if there is a problem. Commissioner Rokosch stated the necessary permits should happen first before going to the Board for approval. Alex replied things come before the Board get modified and/or tweaked. You would almost have to have a second public meeting. Steve stated a developer would choose which one to bring before the Board first.

Commissioner Rokosch asked how they utilize public comment. Steve replied staff reviews the comments. Greg stated he reads all the comments and takes into account what they are talking about for any additional needs to be addressed. Bonnie asked if they requested any additional information other than comments. Greg replied yes specifically anything regarding ground water levels.

Steve stated they are attempting to have discussions with the TDML regarding streamside setbacks. Lea asked if the EPA voluntary guidelines for onsite waste disposal would fall into the 521 standards. Bonnie replied it could be used for information but someone could challenge it. She stated if the State has the minimum you would not be required to have the test. There is a large part of the State that does not have the problems the Bitterroot

Valley has with density. It is there to address less dense areas and it is a threshold. She stated it is difficult.

Commissioner Driscoll asked if they are addressing the issues with a closed basin. Bonnie replied the first drafts of the bills are coming out of the water policy committee. They are more general with the language regarding local government. She stated it is a prime opportunity to view the language on the legislative website.

Eric stated there is one issue to address when you go to regulate septic systems and waste water. The question is how much of the septic is getting to the river. The answer is to assume all of it. Board discussion followed regarding waste water. Eric stated there is no easy way to predict the level of treatment. Commissioner Rokosch stated this is one question the Board is looking at with the subdivision regulations.

Lea requested discussion on the water availability issue and the water quality district. Commissioner Rokosch stated it relates to the level of zoning for density. Eric replied he knows the county attempted a water quality district. There will be additional data to support the need for a water quality district in the next two days. He discussed exempt wells that do not produce 35 gallons per minute (gpm). He stated there is a restriction for those wells limiting the irrigation area to $\frac{1}{4}$ acre. Commissioner Rokosch discussed how the Board has the responsibility to protect water rights and water quality.

Les Rutledge stated the first public hearing on a subdivision application goes to the Planning Board. He asked if a local community concerned with water quantity and quality hires its own hydrologist who presents a well investigated report, where do they go from there. Morgan replied he would give it to Eric to evaluate. Eric replied he reviews individual analysis all the time. He would base a decision on both the reports and the public comments. Les discussed Eight Mile challenging county investigations with their own hydrologist. Commissioner Rokosch asked would the 521 analysis pertain to water quality considerations in the local regulations. Steve replied yes it would.

The Board thanked DEQ for the session.

► In other business, the Board met with the Park Board to discuss the property purchase for Kurtz Lane property. Present were Civil Counsel Alex Beal, Park Board members John Ormiston and Robert Cron, and Planner Tristan Riddell.

John stated this is the first time in history the County Park Board has entered into agreement to purchase land. The Kurtz Lane is 9 acres with a warehouse and carport. The land is very valuable because it is flat with good soils. This is excellent for a ball park. It has one acre for parking with an approach and a two lane bridge. He stated the owner Pat Stevens waited for the Park Board to get their ducks in a row in order to execute the sale. She would prefer a contract of deed for the property and they are working with Civil Counsel to finalize the details. Robert stated they still need to work out the details with Pat but they are in good shape. John stated when they get the warehouse space, they can

use it for county purposes or a revenue source. He would like to see dirt moved as soon as this summer.

Tristan asked John if they were still considering adjacent ground. John replied a Board member investigated one parcel of the surrounding property and it is currently not for sale. The owner discussed trading land, however the Park Board does not have anything suitable for trade.

John discussed other interests for the Park Board for land and conjoining other parks. He stated the Park Board felt they needed to secure land and have it available for parks and have now done it.

Commissioner Rokosch asked how subdivision cash in lieu for park land affects the residents in close proximity where they are not getting any benefit. Alex replied he is not worried about that aspect with the Recreational Master Plan existing. There is a grand plan where this money is flowing. John stated they are well aware of the issue with the cash in lieu. Commissioner Thompson stated the Recreational Master Plan states the requirements of park land for Hamilton, Corvallis, and surrounding areas that show due diligence to move forward. The next situation will be for the Stevensville and Florence areas. Commissioner Grandstaff discussed a specific case where the residents did not want a recreational area or soccer field on county park land near their subdivision. Robert stated they had the first meeting to open dialogue for this issue as well as other issues. There will be a follow up meeting on February 20th (3rd Wednesday of the month). He stated they will expand it to the greater public for input.

Commissioner Rokosch questioned the proposal for trade for the adjacent property. He questioned if it needs to be a Park Board property or if it can be County property. Alex replied he would have to investigate it as to whether it can be sold internally. John replied they have initiated dialogue with Missoula County to secure a piece of land from a developer instead of cash in lieu. He stated with 5 acre parcels here and there, they are difficult to maintain. They are now looking at the option to have a central park where people could come and utilize it.

Commissioner Driscoll stated the Mayor of Hamilton Jessica Randazzo attended the Park Board summit meeting. She stated Mayor Randazzo is excited to work with the County on future park projects. They discussed debt ratio for future projects between city and county and some possibilities of sharing the expense. She stated it was a very productive discussion and looks forward to establishing a good working relationship between city and county.